

B4
10. (Amended) A method as in claim 8, further comprising the step of reading said unique code and looking up said correlation responsively to said unique code at said one or more second locations and modifying at least a portion of said descriptive information responsively to said correlation in said data store.

REMARKS

Claims 1 through 17 are pending in the present application. Claims 1, 4, 5, 8 and 10 have been amended.

The applicant notes with appreciation that claims 13 through 17 have been found to contain allowable subject matter.

The Action maintained a rejection of claims 1-11 under 35 U.S.C. 102(b) based on the Montanari patent. In addition, the Action maintained a rejection of claim 12 under 35 U.S.C. 103(a) based on the Montanari patent in view of the O'Hagan patent.

Regarding the rejection of claim 1, it is respectfully submitted that present claim 1 is patentable over the Montanari patent, and that claim 1 defines an invention that is neither disclosed nor suggested by the cited reference.

It is respectfully submitted that the Montanari patent fails to disclose or suggest that "descriptive data [include] a changeable characteristic of a given article and selectively also profile data characterizing a user and/or user preferences". Hence, the Montanari patent fails appreciate every aspect of the invention defined by present claim 1.

Furthermore, it is respectfully submitted that the O'Hagan patent likewise fails to disclose or suggest the above-noted feature of claim 1. Accordingly, reconsideration and withdrawal of the rejection, and allowance of claim 1, are respectfully requested.

Regarding claims 2 through 7, which depend either directly or indirectly from claim 1, it is respectfully submitted that they are patentable at least for the reason discussed above with respect to claim 1. Accordingly, reconsideration and withdrawal of the rejection, and allowance of claims 2 through 7, are respectfully requested.

Regarding the rejection of claim 8, in furtherance of the Response filed January 3, 2003, the method outlined in the Montanari patent does not disclose or suggest "at a first location, storing a correlation between descriptive information about said article and said unique code in a data store; and at one or more second locations, reading said unique code to obtain at least a portion of said descriptive information using said correlation in said data store" (emphasis added). In contrast, as noted in the Action, the Montanari patent specifically teaches that the "labels produced during the process are periodically scanned...to add additional information thereto" (emphasis added). Accordingly, it is respectfully submitted that the Montanari patent fails to disclose or suggest every step/feature of the method defined by claim 8. Thus, reconsideration and withdrawal of the rejection, and allowance of claim 8, are respectfully requested.

Regarding the rejection of claims 9 through 12, and the objection to claim 13, it is respectfully submitted that each of

these claims, which depend either directly or indirectly from claim 8, are patentable at least for the reason discussed above with respect to claim 8. It is further respectfully submitted that the O'Hagan patent, like the Montanari patent, fails to disclose or suggest "at a first location, storing a correlation between descriptive information about said article and said unique code in a data store; and at one or more second locations, reading said unique code to obtain at least a portion of said descriptive information using said correlation in said data store". Accordingly, reconsideration and withdrawal of the rejection/objection, and allowance of claims 9 through 13, are respectfully requested.

In sum, it is respectfully submitted that the pending present claims are clearly patentable over each of the cited references and/or any proper combination thereof. Thus, this application is in condition for allowance. Accordingly, reconsideration and withdrawal of all rejections of the claims are respectfully requested.

Dated:

4/25/03



David L. Barnes, Esq.
Registration No. 47,407
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, LLP
One Landmark Square
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401

FAX RECEIVED

APR 25 2003

TECHNOLOGY CENTER 2800

VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS**

Please amend claims 1, 4, 5, 8 and 10 as follows:

1. (Twice amended) A system for tracking descriptive information about a changeable article:

a machine-readable label (MRL) attachable to articles;

one or more processors connectable to a MRL reader and programmed to create an association between data stored in an MRL [with particular data describing a given article] and descriptive data and store said association in a data store;

said [particular] descriptive data including a changeable characteristic of [said] a given article [and/or] and selectively also [certain] profile data characterizing a user and/or user preferences;

said one or more processors being programmed to scan said MRL and permit a user to complete a transaction involving said given article including reading said [particular] descriptive data in said data store, said transaction being responsive to said [particular] descriptive data.

4. (Amended) A system as in claim 1, wherein said descriptive data [describing said given article] includes a quantity of material of said article.

5. (Amended) A system as in claim 1, wherein said one or

more processors are connectable to be controlled at a terminal such that a maker of said article can at least partially create said descriptive data [describing said given article] by inputting data into said terminal.

8. (Amended) A method for tracking descriptive information about a changeable article, comprising the steps of:

attaching a machine readable label (MRL) having a unique code to an article;

[said MRL having a unique code;]

at a [retail establishment] first location, storing a correlation between descriptive information about said article and said unique code in a data store; and

at one or more second locations, reading said unique code [at a location other than said retail establishment] to obtain at least a portion of said descriptive information using said correlation in said data store.

10. (Amended) A method as in claim 8, further comprising the step of reading said unique code and looking up said correlation responsively to said unique code at [a location other than said retail establishment] said one or more second locations and modifying at least a portion of said descriptive information responsively to said correlation in said data store.